

**REMARKS**

Claims 4-7 are all of the pending claims, with claims 4 and 7 being written in independent form. By virtue of this amendment, Applicants add new claim 7.

The Examiner rejects claims 4 and 5 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,511,252 to Di Matteo et al. (“Di Matteo”) in view of U.S. Patent No. 5,905,545 to Poradish et al. (“Poradish”); and claim 6 under 35 U.S.C. § 103(a) as being obvious over Di Matteo in view of Poradish, and further in view of U.S. Patent No. 5,838,428 to Pipitone et al. (“Pipitone”). Applicants respectfully traverse all of these rejections in view of the following remarks.

**A. Independent Claim 4:**

Independent claim 4 defines a method that involves (among other things) determining a three-dimensional image of a topography of said object and “evaluating the three-dimensional image and a two-dimensional image of said object.” Exemplary, non-limiting embodiments of this feature are discussed throughout this specification. For example, page 3 (fourth full paragraph) indicates that in addition to the evaluation of two-dimensional images, the evaluation of three-dimensional face shapes can be utilized according to the invention. For example, the two-dimensional image may be evaluated for geometrical identifiers that are observable in one plane, such as eye spacing and the spacing between mouth and eyes. The three-dimensional image may be evaluated for characteristics such as a contour of the face at the brow and/or the nose area and a lateral profile, for example. As indicated in the specification, the method defined by independent claim 4 may provide more dependable results as compared to conventional identification techniques. At least the “evaluating” feature claimed in claim 4, in combination

with the other features defined by claim 4, is not taught or suggested by the prior art relied upon by the Examiner.

The Examiner relies heavily upon the Di Matteo reference to teach all of the features of the present invention except for the digital micro-mirror arrangement defined by independent claim 4. Therefore, the Examiner looks to Poradish to allegedly teach this feature. Applicants respectfully disagree for the following reasons.

The Di Matteo reference discloses an arrangement for determining the geometric characteristics of an object. With reference to Fig. 1, the arrangement includes multiple projectors 26, 28, 30 and 32 that project light through variable masks 36 (see Fig. 3) onto a target object 20. At the same time, cameras 40 photograph the surface 22 of the target object 20 within their field of view. Turning to Fig. 4, the photographs may be scanned by a scanner 46, and the scanned information is inserted into a computer 48. The computer 48 correlates the sequence of photographs scanned so that the surface 22 of the target objection 20 may be readily reconstructed. Di Matteo discusses in great detail the manner in which the surface 22 may be reconstructed. However, once the three-dimensional surface 22 is reconstructed, it is not "evaluated." That is, there is no determination as to whether the reconstructed surface is accurate or in fact matches the actual surface 22 of the target object 20.

Further, the Di Matteo reference is exclusively concerned with determining the location of the coordinates of points on a three-dimensional surface. In this regard, the reference does not evaluate a two-dimensional image of the object 20.

Accordingly, even if Di Matteo were modified as suggested by the Examiner (i.e., dispensing with the disclosed projection system in favor of the digital micro-mirror arrangement as taught by Poradish), the resultant device would not (and necessarily could not) meet all of the

features defined by independent claim 4. Namely, the resultant device would not perform a method that involves “evaluating the three-dimensional image and a two-dimensional image of said object,” as defined by independent claim 4.

**B. Independent Claim 7:**

Independent claim 7 is similar to independent claim 4 to the extent that claim 7 recites (among other things) “comparing the three-dimensional image to pre-stored data.” Accordingly, Applicants respectfully submit that independent claim 7 is patentable for reasons analogous to those noted above with respect to independent claim 4.

For at least the foregoing reasons, Applicants believe that independent claims 4 and 7 are patentable, and that claims 5 and 6 are patentable at least by virtue of their dependencies.

**CONCLUSION**

Applicants hereby petition under the provisions of 37 C.F.R. § 1.136(a) for a one (1) month extension of time in which to respond to the March 24, 2004 Office Action. Applicants have included a Fee Transmittal with this response for such extension of time, and enclose a check in the amount of \$110.00.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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